

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

ENTER: December 31, 2013

Linda TenEck

Plaintiff,

vs.

C. R. Bard, Inc., et al.

Defendants.

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Civil Action No. 2:13-cv-19869

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF  
UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED PLEADING**

Plaintiff requests leave of court to file an amended pleading, 1st Amended Complaint.

A. Introduction

1. Plaintiff is Linda TenEyck, defendants are C.R. BARD, INC., SOFRADIM PRODUCTION SAS, TISSUE SCIENCE LABORATORIES LIMITED, AMERICAN MEDICAL SYSTEMS, INC., BOSTON SCIENTIFIC CORPORATION. (collectively the "Parties").

2. Plaintiff seeks to amend her Original Complaint to be against only C. R. Bard Inc., Sofradium Production SAS, American Medical Systems, Inc., and Boston Scientific Corporation, and to include the "Avauta Solo Anterior Synthetic Support System", the "Monarc <sup>TM</sup> Subfascial Hammock", and the "Pinnacle Pelvic Floor Repair Kit" device.

B. Argument

3. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962).

4. The court should allow the filing of Plaintiff's amended pleading because it is appropriate and necessary. *See Gamma-10 Plastics, Inc. v. Am. President Lines, Ltd.*, 32 F.3d 1244, 1255-56 (8th Cir. 1994). Request that this case be included in MDL 2187, MDL 2325, MDL 2326.

5. Defendants will not be prejudiced by Plaintiff's amended pleading because in interest of justice the parties all agree that this case will be best served by transfer for coordinated or consolidated pretrial proceedings in MDL 2187, MDL 2325, MDL 2326. *Phelps v. McClellan*, 30 F.3d 658, 662-63 (6th Cir. 1994).

6. Plaintiff's is filing its amended pleading along with this motion. All parties, consent to allow Plaintiff to file her amended complaint along with this motion.

C. Conclusion

7. For these reasons, Plaintiff's asks the court to grant leave to file the amended complaint.

Dated: December 11, 2013

Respectfully submitted,

By:   
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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2013 a copy of the foregoing Plaintiff's Memorandum in support of *Unopposed Motion for leave to file amended pleading and Plaintiff's Amended Complaint For C.R. Bard Inc., et al. Pelvic Systems Products Liability Litigation* was filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

By: /s/ Shezad Malik

**Shezad Malik MD JD**